

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

Midas Green Technologies, LLC,

Plaintiff,

- VS. -

Rhodium Enterprises, Inc.;
Rhodium Technologies LLC;
Rhodium 10mw LLC;
Rhodium 2.0 LLC;
Rhodium 30mw LLC;
Rhodium Encore LLC;
Rhodium Industries LLC;
Rhodium JV LLC;
Rhodium Renewables LLC;
Rhodium Shared Services LLC;
Rhodium Shared Services PR Inc.;
Chase Blackmon;
Cameron Blackmon;
Nathan Nichols;
Rhodium 2.0 Sub LLC;
Rhodium Encore Sub LLC;
Rhodium Renewables Sub LLC;
Rhodium Ready Ventures LLC;
Rhodium 10MW Sub LLC;
Rhodium 30MW Sub LLC;
i Ventures Enterprises LLC (fka Energy
Tech LLC);
Air HPC LLC;
Jordan HPC LLC; and
Jordan HPC Sub LLC.

Defendants.

Civil Action No. 6:22-cv-00050-ADA

Jury Trial Demanded

**DECLARATION OF NICHOLAS F. LENNING IN SUPPORT OF PLAINTIFF'S
OPPOSED MOTION TO MODIFY SCHEDULING ORDER**

I, Nicholas F. Lenning, declare as follows:

1. I am a partner at K&L Gates, LLP, counsel of record for Plaintiff Midas Green Technologies, LLC (“Midas”) in this action. The facts stated in this declaration are true to my knowledge, and if called as a witness, I can and would testify competently to them.

2. I make this declaration in support of Plaintiff’s Opposed Motion to Modify Scheduling Order.

3. Rhodium made a document production on June 17, 2022 and a second document production on August 15, 2022. In total, Rhodium has produced 162 documents to date. Rhodium has not made any productions since August 15, 2022.

4. I have reviewed Rhodium’s document production, and identified only 30 documents that are not either prior art or publicly available materials.

5. The Individual Defendants have not produced any documents to date.

6. Attached as Exhibit A is a true and correct copy of an email exchange between Defendants’ counsel and me, with the most recent email dated December 15, 2022. As shown in this exchange, Midas asked three times for Defendants’ availability to meet and confer over twelve days and did not receive Defendants’ availability.

7. As of the filing of Plaintiff’s Opposed Motion to Modify Scheduling Order, Defendants have not responded to my email dated December 15, 2022.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 20, 2022.

/s/ Nicholas F. Lenning
Nicholas F. Lenning